

SECTION 81-885.24(3) - FAILURE TO ACCOUNT FOR AND REMIT MONEY

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(3) and (24) by failing to account for and remit money coming into his possession and by failing, as an associate Broker, to place, as soon after receipt as practical, in the custody of his employing Broker, and deposit money entrusted to him and by demonstrating negligence to act as an associate Broker in violation of 81-885.24(29).	91-009 - Commission vs. Charles D. DeVetter, Jr.	May 22, 1991	Stipulation and Consent Order. License suspended for 30 days, set aside and on probation.
Section 81-885.24(3) by failing to account for and remit money coming into his possession belonging to others, by failing to deposit a damage deposit check in his Trust Account.	91-023 - Commission vs. Lennard M. Dickinson	October 16, 1991	Stipulation and Consent Order. License suspended for 90 days.
Section 81-885.24(3)(6)(29) and Title 299 Ch. 3-002 by failure to maintain an adequate Trust Account.	93-029 - Commission vs. Arthur C. Antony	December 10, 1993	Suspend 2 years with said suspension stayed and served on probation.
Section 81-885.24(3) by failing to properly account for and remit any money coming into his possession belonging to others and NAC 5-003.22 for failing to supervise.	93-061 - Eugene and Jayne Mohr vs. Michael D. Martin	February 2, 1995	Stipulation and Consent Order. License suspended for 30 days.
Section 81-885.24(3) by failing to properly account for and remit any money coming into his possession belonging to others; and 5-003.18 for failing to supervise his Salespersons.	93-061 - Eugene and Jayne Mohr vs. Nathan P. Dodge, Jr.	February 23, 1995	Stipulation and Consent Order. License censured.
Section 81-885.24(3) by failing to account for and remit any money; 81-885.24(20) by failing to deliver Purchase Agreement within a reasonable time; 81-885.24(24) by failing to place any deposit money in custody of his employing Broker as soon after receipt as possible; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker.	95-001 - Commission vs. John Chapman Bussey	May 9, 1995	Stipulation and Consent Order. 30 day suspension, with last 15 days stayed and served on probation.
Section 81-885.24(3) in failing to account for and remit funds in Respondent's possession and belonging to Nevander; 81-885.24(26) and specifically Ch. 3-003 in failing to properly identify funds received from Nevander for payment of expenses; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness.	96-032 - Nevander Asset Management Inc., Dennis Watts vs. Robert L. Pelshaw	January 22, 1997	Stipulation and Consent Order. License suspended 2 years.

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<p>Section 81-885.24(26) by violating a rule or regulation, to wit: Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 3-006 by failing to transfer money to listing broker, Ch. 5-003.04 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.10 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.11 by failing to give buyer an estimate of closing costs or have it signed, Ch. 5-003.07 by failing to comply with 76-2401 through 76-2430 in the following: 76-2420 by failing to adopt a written agency policy; 76-2421 by failing to properly complete or retain an agency pamphlet, Ch. 5-003.23 or Ch. 5-003.24 by failing to deliver a copy of the disclosure statement to the purchaser & get a signed receipt, Ch. 3-002 by failing to maintain a bookkeeping system; 81-885.21 by failure to notify Commission of a trust account; 81-885.24(3) by failing to account for other's money; 81-885.24(5) by failing to deposit all money; 81-885.24(22) by making substantial misrepresentation; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.</p>	<p>97-003 - Commission vs. Cameron Houston Thomas</p>	<p>April 1, 1997</p>	<p>Stipulation and Consent Order. License suspended one year; plus an additional 9 hours continuing education, 3 hours in trust accounts, 3 hours in disclosures, and 3 hours in license law.</p>
<p><u>Roger Rader</u>: Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Law, specifically, Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; Ch. 5-003.22 by failing to supervise his salesperson; 81-885.24(3) by failing to account for monies coming into his possession belonging to others; and 81-885.24(29) by demonstrating negligence to act as the broker. <u>LaDonna Rader</u>: Section 81-885.24(3) by failing to account for monies coming into her possession belonging to others; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.</p>	<p>98-036 - Commission vs. Roger Eugene Rader & LaDonna Jean Rader</p>	<p>November 30, 1998</p>	<p><u>Roger Rader</u>: Stipulation and Consent Order. License suspended two years from January 1, 1999, through December 31, 2000*, with the last 23 months served on probation; plus 12 additional hours of continuing education to include 3 hours in trust accounts, 3 hours in agency, 3 hours in license law, and 3 hours in disclosures to be completed by August 31, 1999. *Per Show Cause Hearing on January 31, 2000, probation extended through December 31, 2001. <u>LaDonna Rader</u>: Stipulation and Consent Order. License revoked.</p>

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<p>Section 81-885.24(2) by intentionally using advertising which is misleading or inaccurate in any material particular when Respondent sends correspondence regarding a listing to a client or customer on his own company letterhead rather than on letterhead under the direct supervision of the broker and not in the name the broker is conducting business as recorded with the Commission; 81-885.24(3) by failing to account for and remit any money or funds coming into his or her possession belonging to others; 81-885.24(24) by failing to place as soon after receipt as practicable, in the custody of his broker, any funds entrusted to him by any person dealing with him as the representative of his licensed broker; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, to wit: Title 299, Ch. 2-003 by failing to advertise in the name his designated broker is conducting business as recorded with the Commission; and Ch. 3-003 by failing to account for money advanced by a buyer or seller for the payment of expenses in connection with the closing of a real estate transaction and advancing money by his principal for expenditures on behalf of said principal; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson; and 76-2419(2) by failing to exercise reasonable skill and care on behalf of a client and to promote the interest of the client with the utmost good faith, loyalty and fidelity as identified in 76-2417 and 76-2418.</p>	<p>2003-017 - Commission vs. Vincent Muniz, Sr.</p>	<p>September 24, 2003</p>	<p>Stipulation & Consent Order. License suspended for 5 years, from October 1, 2003, through September 30, 2008.</p>
<p>Section 81-885.24 (3) Failing to account for and remit any money coming into his possession belonging to others; Neb. Rev. Stat. § 81-885.24 (4) Co-mingling client money or other property with his own; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit into a separate non-interest bearing checking account all money received by him unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making a substantial misrepresentation; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker</p>	<p>January 12, 2005</p>	<p>Stipulation & Consent Order dated January 12, 2005. License suspended for two (2) years from date license of license renewal for 2005 plus an additional six (6) hours of continuing education, including three (3) in farm brokerage and three (3) in farm management to be completed within the two year suspension period. If not completed the suspension remains in effect until successful</p>

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<p>unworthiness to act as a broker; Neb. Rev. Stat. § 76-2421 (1) for failing, at the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; and, Neb. Rev. Stat. 76-2422 (6) by failing, before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, to establish an agency relationship with any party or parties to a transaction in which the designated broker's duties and responsibilities exceed those contained in sections 76-2417 and 76-2418, to enter into a written agency agreement with a party or parties to the transaction to perform services on their behalf. The agreement shall specify the agent's duties and responsibilities, including any duty of confidentiality, and the terms of compensation.</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker</p>		<p>completion of the courses.</p>
<p>Section 81-885.21 (1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured non-interest-bearing checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all down payments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel</p>	<p>November 2, 2006</p>	<p>Stipulation and Consent Order. License revoked.</p>

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<p>parties having an interest in the funds have agreed otherwise in writing; Title 299 Chapter 3.001 It shall be the duty of every broker to preserve for five years, following its consummation, records relating to any real estate transaction; Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act; Title 299 Chapter 3.002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit in a separate non-interest-bearing checking account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others; Neb. Rev. Stat. § 81-885.24 (4) Commingling the money or other property of his or her principals with his or her own; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker for violating each of the above license laws.</p> <p>Jungjohann failed to maintain a bookkeeping system which clearly and accurately accounted for trust funds coming into her possession; Jungjohann failed to deposit trust funds coming into her possession into a trust account; Jungjohann failed to preserve for five years, records relating to a real estate transaction; Jungjohann made substantial misrepresentations; Jungjohann failed to account for and remit any money coming into her possession belonging to others; Jungjohann commingled money of her principals with her own; and Jungjohann demonstrated negligence, incompetence, or unworthiness to act as a broker.</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel</p>		

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<p>Section 76-2418 (1) A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations: (d) To account in a timely manner for all money and property received. Buenrostro failed to account for the \$500.00 earnest money deposit; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others. Buenrostro failed to account for and remit the earnest money deposit of \$500.00; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Buenrostro allowed Respondent Loza to participate in the real estate transaction knowing that he was a licensed salesperson employed by another designated broker.</p>	<p>2006-068 Raymond M. Zendejas vs. Angel Ramon Loza and Gustavo A. Buenrostro</p>	<p>August 23, 2007</p>	<p><u>Loza</u>: Continued until further notice. <u>Buenrostro</u>: Stipulation and Consent Order. License suspended for one hundred twenty (120) days, followed by one hundred eighty (180) days of probation, to commence immediately upon completion of the suspension period given the Respondent Buenrostro under Complaint 2006-064; plus six (6) hours of additional continuing education with three (3) hours in the area of trust accounts and three (3) hours in the area of license law.</p>
<p>Section 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others, for failing to transmit January 2007 rents to the Corporation's new property manager; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker, by overcharging and duplicating charges to the Corporation for hall cleaning; for failing to stop the lawn mowing service; for failing to obtain prior authorization from a member of the Corporation for an expense over \$1,000.00; for failing to ensure tenants properly transferred utilities into their name; for allowing tenants to remain in a property without paying monthly rent; for improperly charging a tenant late fees; and for failing to transmit January 2007 rents to the Corporation's new property manager.</p>	<p>2007-011 Kathryn Adkisson and Linda Vogt vs. Michael Ray Holroyd</p>	<p>April 4, 2008</p>	<p>Stipulation and Consent Order. License suspended for a period of two (2) years, with the entire suspension period stayed and served on probation, to commence on April 24, 2008 and will continue through April 23, 2010; plus an additional twelve (12) hours of continuing education with three (3) hours in the area of agency, three (3) hours in the area of contracts, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed and proof of completion submitted to the Commission by October 1, 2008.</p>
<p>Violated Neb. Rev. Stat. § 81-885.24(3) Failing to account for and remit any money coming into his possession belonging to others; Crawford withheld rent proceeds from the Sellers and threatened to withhold the security deposit unless Sellers released Crawford from the Management Agreement. Crawford violated Neb. Rev. Stat. § 76-2417 (1)A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following</p>	<p>2011-004 – Commission vs. Michael Rae Crawford</p>	<p>September 15, 2011</p>	<p>Hearing held September 15, 2011. License is suspended for a period of two (2) years with the entire two (2) year period stayed and served on probation. The suspension period commenced on October 28, 2011, and continues through October 28, 2013; plus complete an additional fifteen (15) hours of continuing</p>

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duties and obligations: (a) To perform the terms of the written agreement made with the client; Crawford failed to perform the terms of the Management Agreement he had with the Sellers which required that he disburse the security deposit and other deposits, and it provided that either party may terminate the Agreement by providing thirty (30) days written notice. Crawford withheld rent proceeds and threatened to withhold the proceeds of the security deposit, unless Sellers released Crawford from the Management Agreement; (b) To exercise reasonable skill and care for the client. Crawford failed to timely forward funds owed to Sellers, failed to ascertain whether Sellers, Sellers' bank, or both owned the Property, and/or was engaging Crawford's services and failing to communicate Buyers' offer to Sellers; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including: (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the property is subject to a contract for sale or lease or a letter of intent to lease; Crawford failed to communicate Buyers' Offer to Sellers. (d) To account in a timely manner for all money and property received; Crawford failed to account in a timely manner for all money received, in that he withheld rent proceeds and threatened to withhold the proceeds of the security deposit unless Sellers released Crawford from the Management Agreement; Crawford violated Neb. Rev. Stat. § 76-2422(2) by failing to enter into a written agency agreement with the Bank; Crawford violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetence, or unworthiness to act as a broker; by violating numerous unfair trade practices as previously identified; Crawford violated Neb. Rev. Stat. § 81-885.24(16); Violating any provision of sections 76-2401 to 76-2430.	2011-004 – Commission vs. Michael Rae Crawford		education with three (3) hours in Agency, three (3) hours in Contracts, three (3) hours in License Law, three (3) hours in Landlord-Tenant Act, and three (3) hours in Short Sales, all to be completed by April 25, 2012; plus pay a civil fine of \$1,500.00, court reporter fees and witness fees totaling \$973.81, on or before October 28, 2011.
Violated Neb. Rev. Stat. § 81-885.21 (1) in that trust funds deposited into his real estate trust accounts were removed from the trust accounts prior to the time the related transactions were closed or otherwise terminated despite the absence of written agreements by the parties having an interest in the funds; Violated Neb. Rev. Stat. § 81-885.24 (3) Garrison failed to account for and remit money coming	2011-012 / 2011-020 – Commission vs. Michael Douglas Garrison	October 27, 2011	Stipulation and Consent Order. License is suspended for a period of five (5) years commencing on October 27, 2011, and continuing through October 27, 2016, and, Garrison must pay a civil fine of \$2,500.00 by December 26, 2011.

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<p>into his possession belonging to others with respect to his real estate trust accounts when he allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, and he failed to maintain sufficient funds in the trust accounts and was unable to make the trust accounts whole; Violated Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the Commission. Specifically, 299 NAC 3-002 By failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the law relating to the maintaining of trust accounts when he allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, such that his trust account appeared to be balanced at a time when it was not; Violated 299 NAC 5.003.19 Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Specifically, Garrison failed to supervise and stop a licensed employee from engaging in real estate brokerage activities while such employee's real estate broker's license was on suspension, and by failing to stop his other unlicensed employees from engaging in real estate brokerage activities; Violating Neb. Rev. Stat § 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430. Specifically, Neb. Rev. Stat. § 76-2422 (6) Garrison failed to comply with the terms of the Realty Linc. Management Agreement with a specific property owner and the terms of the Lease Agreement with a tenant, by failing to collect the security deposit of \$850.00 in its entirety at the time the Lease Agreement was signed by the tenant; Violated Neb. Rev. Stat. § 81-885.24 (29) unfair trade practice for a licensee to demonstrate e negligence, incompetency or unworthiness to act as a broker, and 299 NAC 5-003.14 for failing to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided for in the purchase agreement. In the event an offer is not accepted, the earnest money deposit shall be returned forthwith: (a) Garrison failed to deposit funds received as an earnest money deposit within 72 hours or before the end of the next banking day; (b) Garrison failed to</p>	<p>2011-012 / 2011-020 – Commission vs. Michael Douglas Garrison</p>		

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<p>notify the Commission of the July 2010 levies against Realty Linc.'s trust accounts; (c) Garrison allowed the real estate trust account to become short approximately \$37,559.83, from about July 14, 2010, through October 21, 2010; (d) Garrison allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, such that the real estate trust account appeared to be balanced at a time when it was not; (e) Garrison allowed trust funds to be improperly removed from the trust accounts; (f) Garrison allowed the real estate trust account to be short \$8,082.62, on January 12, 2011, and g) Garrison violated Neb. Rev. Stat § 76-2422 (6), 81-885.24 (16) and (26) and 299 NAC 5-003.19.</p>	<p>2011-012 / 2011-020 – Commission vs. Michael Douglas Garrison</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others, and for failing to timely remit monies to the Owner after repeatedly being requested to remit such monies.; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for being negligent and for violating Neb. Rev. Stat. § 81-885.24(3).</p>	<p>2013-008 – Earnest Kaiman vs. Adrienne Ellen Farnsworth</p>	<p>September 27, 2013</p>	<p>Stipulation and Consent Order entered September 27, 2013. License revoked.</p>
<p>Violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>	<p>June 25, 2014</p>	<p>Stipulation and Consent Order entered June 25, 2014. License revoked.</p>

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<p>licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. Stat. § 81-885.01(2) Broker means any person who, for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. State § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>		

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<p>designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note that an individual refused to sign an Agency Disclosure; Neb. Rev. Stat. § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others by failing to timely deposit or remit earnest monies, failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, by failing to timely deposit or remit earnest monies, also failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act; by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges;</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>		

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<p>Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and to protect interests of her clients. Heimbouch also failed to truthfully and timely inform her clients of the status of transactions concerning their properties and to competently complete paperwork; 299 NAC 3-005 Earnest money deposits and other deposits relating to the sale of real estate shall be kept in a separately identified trust account and all other trust funds may be deposited in another separately identified trust account, by failing to timely deposit or remit earnest monies, to keep separate and/or commingling earnest money received from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and failed to protect the interests of her clients; 299 NAC 5-003.14 Failure to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. In the event an offer is not accepted, said earnest money deposit shall be returned forthwith, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; 299 NAC 5-003.15 Withholding earnest money when the purchaser or seller is rightfully entitled to the money; provided, a broker may retain funds to cover expenses he or she has prepaid for a purchaser or seller from the broker's funds, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>		

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time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by failing to deliver a written copy of the offer and/ or purchase agreements; 299 NAC 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted when the licensee is: the limited seller's agent for the property; the prospective purchaser's limited buyer's agent; or the dual agent of the seller and the prospective purchaser, by failing to deliver a written copy of offers and/or purchase agreements; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, by advising clients of offers without the necessary documents and also disclosing personal information about possible clients.	2014-013 – Commission vs. Jane Hartman Heimbouch		